

United Nations Security Council Resolution *1540*



Introduction

All countries are affected by the proliferation of weapons of mass destruction (WMD), and by the potential for terrorism involving WMD. Fighting these threats equally requires action by all countries. These realities motivated the United States to seek action by the United Nations Security Council that culminated in UN Security Council Resolution (UNSCR) 1540, passed unanimously on April 28, 2004.

UNSCR 1540 is directed against the proliferation of nuclear, chemical, and biological weapons, their delivery systems and related material. The resolution was designed to address the full range of proliferation activity, including support for proliferators and acquisition of WMD by non-state actors. The resolution also places obligations on UN Member States to take specific measures to penalize activities that can contribute to or support proliferation activities.

UNSCR 1540 is a key part of international efforts to prevent the proliferation of WMD, including to terrorists and other non-state actors. UNSCR 1540, if fully implemented, can help ensure that no state or non-state actor is a source or beneficiary of WMD proliferation. In addition to helping Member States prevent proliferation, implementing UNSCR 1540 can also build capacity to address other security challenges and contribute to economic development.



UN Photo/Eskinder Debebe

Security Council Meets on Non-Proliferation of Mass Destruction Weapons.

Cover photo: Flags of the United Nations, UN Photo/Yutaka Nagata

What is UNSCR 1540?

When the Security Council unanimously adopted UNSCR 1540, it established for the first time obligations for all UN Member States under Chapter VII of the UN Charter to develop and enforce appropriate legal and regulatory measures against the proliferation of WMD. The invocation of Chapter VII made the resolution binding on all UN Member States.

All States have three primary obligations under UNSCR 1540:

- **take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery;**
- **refrain from providing support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer, or use nuclear, chemical, or biological weapons and their means of delivery; and**
- **adopt and enforce appropriate and effective laws to prohibit the manufacture, acquisition, possession, development, transport, transfer, or use of nuclear, chemical, or biological weapons and their means of delivery to non-state actors.**

Subsequent resolutions have further delineated the goals of UNSCR 1540. UNSCR 1673 (2006) reinforced the obligation to include controls on proliferation financing. UNSCR 1810 (2006) set about the work of building UN Member States' capacity to implement 1540. UNSCR 1977 (2011) extended the mandate of the Committee ("1540 Committee") established to oversee implementation of UNSCR 1540 for ten years and authorized the Secretary-General to establish a group of experts to assist the 1540 Committee in carrying out its mandate. UNSCR 2055 (2012) expanded the size of the group of experts from eight to nine.



UN/DPI Photo by Eric Kanalsstein

Explosive experts place weapons in a dirt trench to be exploded and destroyed.



It is our fundamental belief that all States view the future of the UNSCR as an opportunity to improve our international security and global trade.

If each State implements UNSCR 1540 successfully, those individual actions, taken together, will significantly strengthen international standards for controlling the spread of WMD. In addition to these security benefits of implementing UNSCR 1540, the resolution advances the economic development interests of all Member States. Universal implementation of UNSCR 1540 is also an opportunity to improve international trade by maintaining high security standards globally. Moreover, implementation of UNSCR 1540 increases confidence among trading partners by providing increased assurance against illicit trade.

Current Status of Implementation

UNSCR 1540 established a Committee to oversee implementation of the resolution. The Council has called on all Member States to report to the 1540 Committee on their efforts to implement the resolution. The Committee works with Member States and organizations to promote universal implementation.

Implementation of UNSCR 1540 continues to show a positive trend, with the adoption of actions around the globe to prevent WMD proliferation and terrorism. Nearly every UN Member State has reported its capabilities and gaps in controlling WMD proliferation. As the 1540 Committee reported in 2011, “at least 140 States have now adopted legislative measures to prohibit proliferation of nuclear, chemical and biological weapons, as compared to 65 States in 2006. The number of countries reporting national legal frameworks regarding the manufacture and production of nuclear materials has risen from 32 in 2006, to 71 in 2009 and to more than 120 in 2011. The number of countries with legal frameworks prohibiting the manufacture, acquisition, stockpiling, development, transfer or use of biological

weapons has also increased significantly since 2008.” An increasing number of States have established penalties for non-state actors engaged in or seeking to engage in proliferation activities.

UN Member States can seek assistance from multiple sources in order to build their capacity to stop the spread of WMD. The 1540 Committee works with other international organizations such as the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons, and the UN Office for Disarmament Affairs, that offer expertise and other assistance to support implementation of UNSCR 1540. Industry and civil society are also becoming partners in the effort to control WMD proliferation, and both should be fully integrated into efforts to reach global compliance with the resolution.



Special Commission Team Verifies Destruction of Chemical Weapons

What is the United States Doing to Implement UNSCR 1540?

In addition to working towards meeting its obligations under UNSCR 1540, the United States has supported implementation efforts in other countries, through extensive bilateral technical security assistance, support of and cooperation with regional organizations, and support of the 1540 Committee.

The U.S. provides other countries more than \$2 billion in assistance annually that support UNSCR 1540 implementation internationally. This assistance includes the following:

- The Department of State's Export Control and Related Border Security Program (EXBS) is the United States' primary initiative to help other countries strengthen their strategic trade controls, including their capacity to detect and prevent illicit transfers of WMD-related items at their borders. A score of EXBS advisors are stationed at U.S. embassies around the world supporting the program's work in over 60 partner countries. EXBS provides hundreds of training sessions a year and donates millions

in equipment, training, and other assistance. EXBS also sponsors and contributes to regional and international workshops and conferences on strategic trade controls.

- ▶ The Department of State's Biosecurity Engagement Program, Partnership for Nuclear Security, and Chemical Security Engagement Program support efforts in over 40 partner countries to counter WMD threats through assistance programs that support broader UNSCR 1540 objectives.
- ▶ The Department of Energy's National Nuclear Security Administration (NNSA) Second Line of Defense program builds capability in partner countries by systematically deploying fixed and mobile radiation detection equipment at international border crossings, major seaports, and as part of counter nuclear smuggling engagements.
- ▶ NNSA's International Nonproliferation Export Control Program (INECP) coordinates closely with EXBS to strengthen export control systems in partner countries by promoting awareness of export control requirements, and strengthening the ability of law enforcement personnel, particularly customs officers, to recognize and interdict strategic commodities.
- ▶ The Defense Threat Reduction Agency (DTRA), the Department of Defense's official support agency for countering WMD, also helps partner countries counter and reduce WMD threats.

The United States also encourages regional and multilateral initiatives to implement UNSCR 1540, consistent with the recommendations of the Security Council, and will work toward institutionalizing regional coordination in every part of the globe. Regional organizations such as the Organization for Security and Cooperation in Europe (OSCE), the Association of South-East Asian Nations (ASEAN) Regional Forum, and the Organization of American States (OAS)—consistent with the 1540 Committee's reports and recommendations—are able



to assist their members in building the necessary laws, policies, and structures to meet the obligations of UNSCR 1540. Through membership in international and regional organizations, 110 Member States have endorsed UNSCR 1540 at the ministerial level.

The following are just a few examples of regional activities:

- ❖ The OSCE adopted a politically-binding Ministerial endorsement of the resolution, sponsored workshops, developed Best Practices Guides, and provided other support to Member States, such as in the development of National Action Plans. The OSCE created a position for a UNSCR 1540 Project Advisor to develop and help implement projects that assist interested OSCE participating States in meeting their international nonproliferation obligations. The United States has contributed to and supported the efforts of the OSCE 1540 Project Team.
- ❖ With strong U.S. support, the OAS adopted two Ministerial resolutions reaffirming UNSCR 1540, and held a regional workshop to promote implementation. The United States currently supports initiatives by the Caribbean Community for legislative assistance and capacity building programs.

- ❖ With Japan, Finland, and Canada, the United States supported a 2012 meeting of the Andean Community in Bogota to discuss assistance offered to Latin America and the implications of the international community's efforts to properly implement resolution 1540. The United States emphasized the resolution's objectives and the commitment of the international community to assist countries in their national implementation processes.
- ❖ The United States sponsored the Africa Regional Workshop on Biosafety and Biosecurity in 2010 in Nairobi, where the UN Office for Disarmament Affairs and NGOs helped representatives from 20 Member States understand governments' roles in implementing UNSCR 1540, regional best practices, and assistance available to them. The workshop promoted capacity-building on national and regional levels, and encouraged experience-sharing on issues such as biosafety and biosecurity.
- ❖ In October 2011, the United States and the European Union signed a joint declaration reconfirming their commitment towards the full and comprehensive implementation of Resolution 1540, and agreeing to work on concrete measures aimed at full implementation.

- ❖ The United States, as the 2012 Chair of the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, has undertaken efforts to support the work of the 1540 Committee, improve the process of matching assistance efforts with the needs of individual countries, and engage intergovernmental organizations that can provide capacity-building assistance. This is in line with the Global Partnership's mandate to promote implementation of UNSCR 1540.

The United States has also donated several million dollars to the UN Trust Fund for Global and Regional Disarmament to support 1540 implementation activities worldwide, and hosted the first visit by the 1540 Committee to a Member State, providing the Committee and its experts an opportunity to view the United States' "whole of



government" approach to implementing UNSCR 1540. This visit encouraged other countries to invite the Committee to visit and observe their processes and programs to prevent proliferation. The United States also is working with the 1540 Committee to factor the Committee's analyses of States' implementation of UNSCR 1540 into U.S. decisions regarding assistance that will be provided in areas related to the resolution. And as coordinator of the 1540 Committee's working group on transparency and media outreach, the United States has helped the Committee institute transparency measures and activities, including management of the Committee's web site and meetings open to all Member States.

Developing a Plan of Action

The United States already has an extensive set of laws and regulations implementing UNSCR 1540 requirements, but continues to strengthen its legal and regulatory framework in response to new proliferation challenges. The United States completed its 1540 National Action Plan in 2006, and uses it as a guide for implementing UNSCR 1540 in other countries. The United States also encourages other States

to develop such national action plans, which can facilitate receiving international assistance. Each country must design its implementation plans according to its own needs and priorities.

One example of U.S. efforts to improve its capacity to prevent proliferation is the issuance in 2005 of Executive Order (E.O.) 13382, which prevents designated proliferators and their supporters from conducting business in the United States, and prohibits U.S. citizens from engaging in transactions with them. The United States has designated hundreds of entities and individuals in states such as North Korea, Iran, and Syria, and many other UN Member States have taken action against entities designated by the United States under this order. The United States encourages other governments to create similar authorities to address the actions of persons or entities under their jurisdiction that might be financing or otherwise supporting the activities of proliferators.


What are the Next Steps?

The United States, other UN Member States, regional organizations, and the 1540 Committee and its experts have done a great deal of important work since UNSCR 1540 was adopted. But more work needs to be done to achieve full implementation of the resolution by all UN Member States.



UN Photo 158634/Shankar Kunhambu

Inspectors take mustard agent samples.



As we move ahead, the United States looks forward to consulting with partners to capitalize on the benefits of full implementation of UNSCR 1540, and to ensure capacity-building assistance is available to countries that need it. The United States will continue to encourage the development of national implementation plans, institutionalization of regional coordination efforts, and strengthening of the capacity of the UN Office for Disarmament Affairs to provide support to the 1540 Committee, as part of ensuring the long-term commitment to full implementation of Resolution 1540.

The United States encourages all Member States to coordinate their diplomatic, law enforcement, military, and intelligence assets in their efforts to stop proliferation. States should consider further steps to implement their obligations under UNSCR 1540, develop authorities similar to E.O. 13382, and develop other laws, regulations, processes, and institutions to stop the spread of WMD. Together, these steps will help build a world in which all countries can be secure from the threats posed by WMD proliferation.



Bureau of International Security & Nonproliferation

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